

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

WILLIAM ADAMS,

*

Plaintiff,

*

v.

*

Case No.: 1:18-cv-02245 GLR

JOHN SOKOL, *et al.*,

*

Defendants.

*

* * * * * * * * * * * *

DEFENDANT THE ESTATE OF JOHN SOKOL'S ANSWER TO COMPLAINT

Defendant, The Estate of John Sokol by and through his attorneys Robert P. O'Brien, Esq., Bryant S. Green, Esq., and NILES, BARTON & WILMER, LLP, hereby submit this Answer to Plaintiff William Adams's Complaint and state as follows:

JURISDICTION AND VENUE

1. Denied.
2. Denied.
3. Admitted.
4. Admitted.

FACTS COMMON TO ALL COUNTS

5. Defendant adopts and incorporates all previous Paragraphs as if fully restated herein.

6. Admitted.

7. Denied that the sailing vessel HAVEN was operated by Defendant Sokol at all relevant times. The remainder of this allegation is admitted.

8. Admitted.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

18. There are no allegations in this paragraph.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint. Therefore, they are denied.

25. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

26. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

27. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

28. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

29. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

30. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

31. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

32. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

33. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

35. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

COUNT I: NEGLIGENCE
(DEFENDANT VULCAN)
Violations of Inland Navigation Rules

41. Defendant adopts and incorporates all previous Paragraphs as if fully restated herein.

42. The allegations in Paragraph 42 of the Complaint are statements or conclusions of law for which no answer is required. To the extent an answer is required, denied.

43. The allegations in Paragraph 43 of the Complaint are statements or conclusions of law for which no answer is required. To the extent an answer is required, denied.

44. Denied.

45. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

46. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

47. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint. Therefore, they are denied.

48. Denied.

49. Denied.

COUNT II: NEGLIGENCE
(DEFENDANT SOKOL)
Violations of Inland Navigation Rules

50. Defendant adopts and incorporates all previous Paragraphs as if fully restated herein.

51. The allegations in Paragraph 47 of the Complaint are statements or conclusions of law for which no answer is required. To the extent an answer is required, denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

COUNT IV: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(AGAINST ALL DEFENDANTS)
General Maritime Law

57. Defendant adopt and incorporate all previous Paragraphs as if fully restated herein.

58. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint. Therefore, they are denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

AFFIRMATIVE DEFENSES

1. All allegations not expressly admitted are denied.

2. The Plaintiff was not injured in the amount or to the extent alleged.

3. Plaintiff's injuries, if any, were caused by persons or entities other than this defendant.

4. Plaintiff's injuries, if any, were caused by a superseding intervening cause in the form of the negligence of whoever was at the helm of the CAPT HENRY KNOTT, and who turned the tug into the path of the sailboat with no warning or justification.

5. The Plaintiff's complaint fails to state a claim upon which relief can be granted.

6. The Plaintiff's complaint is barred by the doctrine of contributory negligence.

7. The Plaintiff's complaint is barred by the doctrine of assumption of risk.

8. The Plaintiff's complaint is barred by the doctrine of waiver.

9. The plaintiff's complaint is barred by the doctrine of laches.

10. Defendant The Estate of John Sokol is entitled to exoneration from or limitation of liability to the post-casualty value of the vessel and pending freight pursuant to the

Shipowners' Limitation of Liability Act, 46 U.S.C. § 30501, *et seq.* Defendant The Estate of John Sokol was without knowledge of or privity with any of the allegedly negligent acts or omissions set forth in the Plaintiff's Complaint.

11. Defendant the Estate of Sokol expressly reserves all additional legal and factual defenses as may arise during the discovery and trial of this matter.

Respectfully Submitted,

/s/ Bryant S. Green

Robert P. O'Brien, Esq. (#00003)

Bryant S. Green, Esq. (#19752)

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Counsel for Defendant,

The Estate of John Sokol

CERTIFICATE OF SERVICE

I CERTIFY that on this 19th day of December, 2019, a copy of the foregoing Answer was served upon all counsel of record using the CM/ECF system.

/s/ Bryant S. Green

Bryant S. Green